IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 373 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOSWAMI ANANDPURI RAMPURI
Versus
STATE OF GUJARAT & ANR

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Appearance :
MR SHAKEEL A QURESHI for Applicant
MR KC SHAH APP for Respondent No. 1
MR MAHENDRA K PATEL for Respondent No. 2

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CORAM : HONOURABLE MR.JUSTICE J.R.VORA
Date : 14/02/2006

ORAL JUDGMENT

1 Heard learned Advocate Mr. S.A. Qureshi for applicant, learned APP Mr.K.C. Shah for respondent No.1 State and learned Advocate Mr.M.K. Patel for respondent No.2.

2 Present Respondent No.2 Shri Hari Om Cooperative Credit Society Limited filed a Criminal Case No.1489 of 2000 against the present applicant in the court of Judicial Magistrate, First Class at Visnagar for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. After hearing the parties and recording the evidence, vide order dated 22nd of October, 2003, the present applicant being accused was convicted and sentenced to undergo imprisonment of nine months and to pay fine of Rs. 2,500/-. It was also directed that the accused shall pay an amount of Rs. 50,000/- by way of compensation to the complainant i.e. respondent No.2 in pursuance of Section 357 of the Code of Criminal Procedure.

3 The present applicant preferred Criminal Appeal No. 45 of 2003 in the Court of Sessions at Mehsana and vide judgment and order and order dated 25th of May,2004, learned Additional Sessions Judge i.e. Fast Track Court No.2, Mehsana was pleased to dismiss the Appeal and hence this Revision Application by original accused.

4 Learned Advocate Mr. Qureshi for the applicant i.e. original accused and learned Advocate Mr. M.K. Patel for

respondent No.2 original complainant make a joint statement that the amount of cheque in question is paid by the accused to the complainant and both the parties have arrived at the compromise in respect of the said criminal case and charges levelled against the present applicant. The joint statement of both the learned Advocates is recorded.

5 In view of above compromise arrived at between the complainant and the accused i.e. applicant and respondent No.2 herein, the judgment and order passed by learned Judicial Magistrate, First Class, Visnagar, in Criminal Case No. 1489 of 2000, on 22.10.2003, convicting and sentencing the present applicant for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 as well as judgment and order passed by the learned Additional Sessions Judge and Fast Track Court No.2, Mehsana, on 25th of May, 2004 in Criminal Appeal No. 45 of 2003, both are set aside. The applicant is acquitted of the charges levelled against him in Criminal Case No. 1489 of 2000 of the Court of Judicial Magistrate, First Class at Visnagar.

6 In the result, this Revision Application stands

disposed of as aforesaid. The amount of fine of Rs. 2,500/- deposited by the applicant before the trial court be refunded to him. DS permitted.

(J.R.VORA, J.)

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